

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELENA NACARINO,
Plaintiff,

v.

CHOBANI, LLC,
Defendant.

Case No. [20-cv-07437-EMC](#) (AGT)

DISCOVERY ORDER

Re: Dkt. No. 65

Chobani is correct that discovery on restitution-related issues should wait at least until after Judge Chen decides whether to certify the case for interlocutory appeal. If the case is certified, and the restitution remedy doesn't survive appeal, then restitution-related discovery won't be relevant. For now, a wait-and-see approach is sensible in order to avoid unnecessary discovery costs.

As for the merits, discovery should begin now. Even if restitution is taken off the table, the UCL claim for injunctive relief is moving forward. True, if Judge Chen decides to certify the case, he might stay all proceedings pending appeal. But that outcome isn't certain, and in the interim plaintiff and the proposed class should be allowed to start building their case.

Thus far, plaintiff has served a first set of RFPs and a first set ROGs, and Chobani has objected that the requests are premature. As to requests going to the merits of the UCL claim, Chobani's objection is overruled. Chobani must supplement its responses to these requests, in compliance with the federal rules, by March 25.

IT IS SO ORDERED.

Dated: March 3, 2022



ALEX G. TSE
United States Magistrate Judge